

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JAN - 9 2004

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT G. ARSENAULT and TAM T. LEMINH

Application No. 09/492,725

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 17, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellants filed an amendment (Paper No. 5) on January 21, 2003. On February 14, 2003, the examiner has indicated in an advisory action (Paper No. 6) that the amendment filed January

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21, 2003, would be entered. A review of the file reveals that the amendment was not physically entered. Appropriate correction is required.

Also, on May 16, 2003, appellants filed an appeal brief (Paper No. 9). A review of the file reveals that the fee was not charged for the appeal brief. Before further review of this file, the appeal brief fee must be applied to the appellants' account.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) physical entry of the amendment filed January 21, 2003; 2) entry of the appeal brief fee; and 3) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

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AND INTERFERENCES

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